

Serial No. - 09/966,163
Art Unit - 1772

REMARKS

Claims 1-19, and 21 were pending. Claims 10, 13, 14, and 21 have been amended. As a result of this amendment, claims 1-19, and 21 are pending. Reexamination and reconsideration are requested in light of the accompanying amendments and remarks.

Applicants note that a Supplemental Information Disclosure Statement mailed on February 18, 2004, has not been acknowledged.

A new Declaration is enclosed in view of the claim of priority to U.S. Patent Application Serial No. 09/427,138, filed October 25, 1999, entitled "Environmental Barrier Material For Organic Light Emitting Device and Method of Making," now U.S. Patent No. 6,522,067, issued February 18, 2003.

This Amendment is accompanied by a Petition for Filing by Other Than All the Inventors Under 37 CFR § 1.47(a), and the fee required by 37 CFR 1.17(h), with respect to the Declaration claiming priority to U.S. Patent Application Serial No. 09/427,138.

This Amendment is accompanied by a Petition to Accept an Unintentionally Delayed Claim Under 35 U.S.C. § 120, and the fee required by 37 CFR 1.17(t).

The rejection of claims 10 and 21 under 35 U.S.C. § 112, second paragraph, as being indefinite has been overcome. The Markush group of environmentally sensitive devices has been corrected to recite "displays using light emitting polymers," as suggested by the examiner. The recitation of "electrophoretic inks" has been deleted because the claims already recite "displays using electrophoretic inks."

The rejection of claims 14-19 under 35 U.S.C. § 112, second paragraph, as being indefinite has been overcome. Claim 14 has been amended as suggested by the examiner to clarify that the substrate is optional, not the remainder of the claim.

These amendments have been made for purposes of clarity and for no other purpose.

The rejection of claims 14-19 under 35 U.S.C. § 102(b) as being anticipated by Harvey has been overcome. Claim 14 has been amended to clarify that the substrate is

Serial No. - 09/966,163
Art Unit - 1772

optional, not the remainder of the claim. Therefore, claims 14-19 are not anticipated by Harvey.

The rejection of claims 1-12 under 35 U.S.C. § 103(a) as being obvious over Graff (WO 00/36665) in view of Harvey is respectfully traversed. WO 00/36665 claims priority to U.S. application Serial No. 09/427,138. In papers filed concurrently with this amendment, Applicants have claimed priority to U.S. application Serial No. 09/427,138. Therefore, WO 00/36665 is not available as a reference against the present application. Applicants request that this rejection be withdrawn.

Applicants gratefully acknowledge the examiner's statement that claim 13 would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. Claim 13 has been amended so that it is in independent form. Therefore, claim 13 is allowable.

Applicants gratefully acknowledge the examiner's statement that claims 14-19 would be allowable if amended to overcome the rejection under 35 U.S.C. § 112, second paragraph based on the examiner's interpretation of claim 14 as limiting the qualification of optionally to the substrate. Claim 14 has been amended to overcome the rejection. Therefore, claims 14-19 are allowable.

Applicants gratefully acknowledge the examiner's statement that claim 21 would be allowable if rewritten to overcome the rejection under § 112, second paragraph. Claim 21 has been amended, and is dependent on allowable claim 14. Therefore, claim 21 is allowable.

Serial No. - 09/966,163
Art Unit - 1772

CONCLUSION

Applicants respectfully submit that, in view of the above amendment and remarks, the application is now in condition for allowance. Applicants respectfully request that claims 1-19, and 21 be passed to allowance. In any event, Applicants request that the amendment be entered because it places the claims in better condition for appeal.

If the Examiner has any questions or comments regarding the present application, he is invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,
DINSMORE & SHOHL LLP

By Patricia L. Prior
Patricia L. Prior
Registration No. 33,758

One Dayton Centre
One South Main Street, Suite 1300
Dayton, Ohio 45402-2023
Telephone: (937) 449-6400
Facsimile: (937) 449-6405

PLP/kec
Encls.